

REMARKS

The amendments set out above and the following remarks are believed responsive to the points raised by the Office Action dated December 3, 2003. In view of the amendments set out above and the following remarks, reconsideration is respectfully requested.

The specification has been amended to correct an obvious typographical error. The amendment is fully supported by the specification and no new matter is being entered. The specification at page 2, line 27 incorrectly identifies polypropylene as “hydrophilic” material. However, as one of skill in the art would know, and as the specification correctly provides at page 5, line 4, polypropylene is hydrophobic.

The abstract of the disclosure was objected to because new subject matter was allegedly incorporated into the Specification. Claims 1-9 were also rejected under 35 USC §112, first paragraph, as failing to comply with the enablement requirement. According to the Office Action, there is no enablement for providing the claimed composite fabric with faces having hydrophilic and hydrophobic surfaces. Claims 1-9 were rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement. According to the Office Action, there is no support in the Specification for providing a hydrophobic material 18. Applicants respectfully traverse these rejections.

The present invention is directed to a composite textile fabric that may be formed by knitting, weaving or other means that are used for joining or retaining materials, i.e., strands of hydrophilic and hydrophobic materials (see e.g., specification pg. 4, line 24 to page 5, line 1). For example, page 8, lines 19-27 describes forming the composite layer by knitting using two filament yarns, where the first yarn is a polypropylene filament yarn (i.e., hydrophobic; see e.g., pg. 5, line 4) and the second yarn is polyester (i.e., hydrophilic; see e.g., pg. 3, lines 1-2).

Regarding the new matter and written description requirement, Applicants respectfully submit that the amendment changing “hydrophilic” to “hydrophobic” merely corrected an obvious typographical error in the specification. The specification provides ample support for providing a hydrophobic material, for example,

“Composite textile fabrics and articles made with such materials according to the invention comprise a generally uniformly integrated layer that is formed by a combination of hydrophobic material and hydrophilic material”. (pg. 4, lines 21-26);

“Due to the physical distribution of the hydrophobic and hydrophilic materials within the fabric, . . .” (pg. 5, lines 19-21);

“The composite material is provided as an inner layer 10 formed of hydrophobic material 10A and hydrophilic material 10B.” (pg. 6, lines 11-13);

“In that case, the inner surface is formed as before so as to be predominantly made up of hydrophobic material with a number of small exposed areas formed by the hydrophilic material”. (pg. 7, lines 20-24).

“This means that the composite textile fabric is made up of materials that are hydrophobic and hydrophilic relative to one another . . .”. (pg. 9, lines 25-28).

Furthermore, as filed, the sentence read, “A strand of hydrophilic material 15 is interspaced with strands of hydrophilic material 16 so that the area (overall) of the upper surface is constituted of about 25% hydrophilic material.” One of skill in the art reading the present application, which repeatedly refers to a composite fabric comprising a hydrophilic material and hydrophobic material (see above), would know that the above sentence contains an obvious error. One indication is the different reference numerals used for the first and second occurrences of the word “hydrophilic” which suggest that they are intended to be different materials. A second indication is the reference in the sentence to the resulting surface constituted of only 25% hydrophilic material. It doesn’t make sense that hydrophilic material interspaced with hydrophilic material results in only 25% hydrophilic material. Clearly one of skill in the art would know that the specification is referring to hydrophilic and hydrophobic material.

Regarding the enablement requirement, Applicants respectfully submit that the disclosure is enabling for providing the claimed composite fabric with faces having hydrophilic and hydrophobic surfaces. The Office Action questions how an impregnation process is to be carried out and asserts that impregnation is commonly a coating technique and goes on to assert that weaving and knitting are not impregnation techniques.

As explained above, the composite fabric is formed by joining together, e.g., knitting, weaving or otherwise retaining, hydrophobic and hydrophilic materials to form a fabric. The specification refers to the material being uniformly “impregnated” with hydrophilic material by weaving, knitting or other techniques, so that an exposed upper surface of the layer comprises small areas of hydrophilic material. “Impregnate” as used in the present specification merely

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indicates that the material is uniformly interspersed or integrated with hydrophilic material. Repeated references to knitting, weaving or otherwise joining the hydrophilic and hydrophobic material in the specification make clear that the invention is directed to fabric made by joining hydrophilic and hydrophobic materials and not to a coating process.

For the reasons set forth above, reconsideration of the rejections is respectfully requested.

In view of the amendment and remarks recited herein, the application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue.

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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